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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 R.K. a minor, by and through his parents C.K.
and T.K.,

11 Plaintiff,

12 vs.

13 CALIFORNIA DEPARTMENT OF
14 EDUCATION AND CHILDREN'S HEALTH
COUNCIL,

15 Defendants.

CASE NO. C 06-07836 JSW

**STIPULATED REQUEST FOR ORDER
CHANGING TIME; ~~PROPOSED~~
ORDER**

[Civil Local Rules 6-2; 7-12]

16
17 Pursuant to United States District Court Northern District Civil Local Rules 6-2 and 7-12,
18 plaintiff R.K. ("Plaintiff") and California Department of Education ("CDE") and Children's
19 Health Counsel ("CHC") (hereafter collectively referred to as "the parties") submit this stipulation
20 to request an order changing the time of hearing for Defendant's motion to dismiss or in the
21 alternative motion to strike:

22 WHEREAS, on December 31, 2007 Plaintiff filed an amended complaint responsive to the
23 Court's September 21, 2007 orders permitting Plaintiff to amend his complaint as to CHC and
24 CDE;

25 WHEREAS, on January 10, 2008 CDE filed a Motion to Dismiss Plaintiff's amended
26 complaint with a proposed hearing date of March 28, 2008;

27 WHEREAS, on January 10, 2008 CHC filed a Motion to Dismiss and Motion to Strike
28

CASE NO. C 06-07836 JSW

STIPULATION TO CONTINUE HEARING ON PLAINTIFF'S MOTION TO SUPPLEMENT THE RECORD

1 with a proposed hearing date of March 28, 2008;

2 WHEREAS, the Court on January 15, 2008 issues a scheduling Order for Plaintiff's
3 opposition and Defendants' replies and shortened time, requiring Plaintiff's opposition to be filed
4 by Tuesday January 29, 2008 and CDE and CHC's replies to be filed by February 5, 2008;

5 WHEREAS, Plaintiff will be involved in an administrative due process hearing from
6 January 22, 2008-February 5, 2008. Plaintiff's attorney and lead counsel in this matter is also the
7 lead counsel in the underlying due process proceeding which also directly impacts her ability to
8 respond within the time frames set forth above.

9 WHEREAS, Plaintiff will be unable to devote resources to writing an opposition due to
10 preparing for and participating in Plaintiff's administrative hearing;

11 WHEREAS Plaintiff has met and conferred with CHC and CDE and each will stipulate as
12 follows:

13 STIPULATION

14 1. The hearing on CDE and CHC's Motion to Dismiss shall be continued to March
15 14, 2008 or a date thereafter which is convenient for the Court.

16 2. Plaintiff's Opposition motion shall be filed by February 22, 2008.

17 3. CHC and CDE's reply shall be filed by February 29, 2008.

18 THE PARTIES SO STIPULATE.

19 DATED: January 16, 2008

20
21 By: 

22 Allan Keown
23 Attorney for California Department of Education

24 DATED: January __, 2008

25
26 By: _____

27 Carol Healey
28 Attorneys for Children's Health Council

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2 WHEREAS, the Court on January 15, 2008 issues a scheduling Order for Plaintiff's
3 opposition and Defendants' replies and shortened time, requiring Plaintiff's opposition to be filed
4 by Tuesday January 29, 2008 and CDE and CHC's replies to be filed by February 5, 2008;

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6 January 22, 2008-February 5, 2008. Plaintiff's attorney and lead counsel in this matter is also the
7 lead counsel in the underlying due process proceeding which also directly impacts her ability to
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10 preparing for and participating in Plaintiff's administrative hearing;

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14 1. The hearing on CDE and CHC's Motion to Dismiss shall be continued to March
15 14, 2008 or a date thereafter which is convenient for the Court.

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17 3. CHC and CDE's reply shall be filed by February 29, 2008.

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19 DATED: January __, 2008

20
21 By:

22 Allan Keown
23 Attorney for California Department of Education

24 DATED: January 16, 2008

25
26 By:

27 Carol Healey
28 Attorneys for Children's Health Council

1 DATED: January 16 2008

2
3 By: 

4 Mandy G. Leigh
Attorney for Plaintiff R.K.

5 I, Mandy G. Leigh, am the ECF User whose ID and password are being used to file this
6 STIPULATED REQUEST FOR ORDER CHANGING TIME AND PROPOSED ORDER. In
7 compliance with General Order 45, X.B., I hereby attest that Carol Healey and Allan Keown have
8 concurred in this filing.

9 DATED: January 16 2008

LEIGH LAW GROUP

10
11 By: 

12 Mandy G. Leigh
13 Attorneys for Plaintiff, R.K.
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10 Defendants.

CASE NO. C 06-07836 JSW

PROPOSED ORDER CHANGING TIME


[Civil Local Rules 6-2; 7-12]

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12 Pursuant to the Stipulated Request for Order Changing Time submitted by the parties to
13 this action,

14 IT IS HEREBY ORDERED that the Plaintiff's Opposition motion shall be filed by
15 February 22, 2008. CHC and CDE's reply shall be filed by February 29, 2008. The hearing will
16 remain on the date noticed by Defendants, March 28, 2008.

17 IT IS SO ORDERED.

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19 Dated: January 18, 2008


The Honorable Jeffrey White
Judge of the United States District Court for
the Northern District of California

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CASE NO. C 06-07836 JSW